

REMARKS

Claims 1-11, 19, 21-22, 32, and 34-35 are pending in the above-identified application. Claims 1, 3, 6, 8, 19, 32, and 34-35 have herewith been amended. Claims 2, 4, 7, 9, 11, and 21-22 have been cancelled. Claims 36-40 have been added. The amendments to the claims and the newly added claims are supported by the application as filed and do not therefore introduce new matter. Entry is respectfully requested.

Applicants have amended the claims to recite particular embodiments that Applicants, in their business judgment, have determined to be commercially desirable at this time. The claim amendments have not been submitted for any reason relating to patentability, such as to overcome any one or more of the Examiner's rejections. Indeed, Applicants believe that the Examiner has not established a prima facie showing to support the Examiner's rejections and, as such, Applicants reserve the right to pursue the subject matter of the previously presented, and of the previously or currently cancelled claims in one or more continuing applications.

Claim Rejections – 35 U.S.C. § 112

Claims 1, 19, and 32 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse.

The Examiner asserts that the outcome of the request to cancel a first bid or offer is not recited, which the Examiner alleges makes the claim indefinite in that it is not clear if the request is successful or not.

Claims 1, 19, and 32, have been amended to recite "start [or starting] a cooling off period based on receipt of the request to cancel the first bid or offer. It is therefore clearer now that the request to cancel the first bid or offer for the item is the trigger for the start of the cooling off period. In this respect, the claim is not open ended as argued by the Examiner. As stated previously, the outcome of the request to cancel the first order is not a necessary for the operation of claims 1, 19, and 32 and therefore need not be included therein. See MPEP § 2163.05(I).

Claim Rejections – 35 U.S.C. § 102

The Examiner rejects claims 1-11, 19, 21-22, and 32 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,230,147 (Alaia *et al.*). Applicants respectfully traverse.

Claim 1 as amended is directed toward a method that includes the step or steps of “starting a cooling off period based on receipt of the request to cancel the first bid or offer.” The references cited by the Examiner do not disclose or otherwise suggest the start of a cooling off period that is triggered by the receipt of the request to cancel the first bid or offer.

Claim 1 as amended further recites “suspending the order to buy or sell the item, as a result of the buy or sell order being received during the cooling off period, for a period of time for the buyer or seller to notice a change in the first bid or offer and the second bid or offer prices.” The references do not further disclose or otherwise suggest suspending a buy or sell order as a result of the order being received during a cooling off period.

Claims 19 and 32 recite features similar to those in claim 1 and are therefore patentable for at least the same reasons.

The dependent claims are patentable for the same and additional reasons. While deemed unnecessary to argue these additional reasons at this time, given the arguments presented above, Applicants reserve the right to present such argument, including the interpretation of any terms of the claims, should it become necessary or desirable to do so. Even so, Applicants request that the Examiner not limit his inquiry to the patentability of the independent claims in light of the arguments presented above. Rather, Applicants request that the Examiner consider all of the amendments and the newly added claims with the same level of attention as that of the independent claims.

CONCLUSION

For the above reasons, Applicants submit that claimed methods and systems are patentable over the references cited by the Examiner. Accordingly, reconsideration and allowance of pending claims are respectfully solicited.

The Examiner is invited to contact the Applicant's undersigned representative at 212-829-5407 to expedite prosecution.

Respectfully submitted,

June 8, 2007
Date

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